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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/554,463	04/19/2000	GIOK DJIEN GO		6174

7590 01/20/2004

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PFAHLGRABENSTR 45  
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EXAMINER

DRAPER, DEANN L

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/554,463

Applicant(s)

GO, GIOK DJIEN

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 42-73 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### *Acknowledgements*

The Amendment filed by the Applicant on October 24, 2003 is acknowledged. Claims 2 – 5, 22 – 25, 27 – 31, and 39 – 41 have been cancelled.

### *Specification*

The substitute specification filed October 24, 2003, has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: there is no statement in the amendment saying that no new matter has been added to the substitute specification. Also, the information under the heading “CROSS REFERENCE TO RELATED APPLICATIONS” is incorrect. A divisional application has not been filed – the amendment received was entered as an amendment to US 09/554,463.

### *Claim Objections*

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1 - 32 have been renumbered 42 – 73.

Claims 42 – 73 are objected to because of the following informalities: in line 25 of Claim 42, “assemblylocated” should be --assembly located--. Appropriate correction is required.

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Claims 42 – 73 are replete with grammatical errors. For example, in lines 16-17 of Claim 42, “lap- and second shoulder belt portion” should be --lap- and second shoulder belt *portions*-- (italics added). Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 42 – 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language of Claim 42 is confusing and unclear. For example, in lines 19 – 20, the applicant recites “a lower belt deflector *which*, attached to a stiff second transport-system member, *which*, generally representing the floor of the transport system...” (italics added). The repeated use of the word “which” throughout all of the claims is confusing, and in several instances, it is unclear what the term “which” is actually referring to. Clarification is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 42 – 73 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In line 27 of Claim 42, “a lower body-part of a body of the passenger” is being claimed.

### ***Allowable Subject Matter***

None of the prior art of record appears to read on the invention as understood by the examiner, and the subject matter of the claims appears to be allowable if the rejections under 35 USC 112 can be overcome. However upon applicant's amendment to overcome the rejections and objections raised by the examiner and upon the examiner's better understanding of the invention, a comparison of the prior art to the claims will again be made.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miller, III et al. (US 6,145,881) discloses a seatback mounted seat belt tensioner. Pham et al. (US 5,599,070) discloses a seat and integral seat belt. Deegener et al. (Re. 34,051) discloses a vehicle seat with a safety belt system. Spinosa et al. (US 4,738,413) discloses a harness restraint system. Mikami (US 4,652,053) discloses a seat belt apparatus for a vehicle seat. Sullivan et al. (US 6,375,270) discloses a seat belt restraint system. Busch (US 6,076,894) discloses a seat belt system. Lorch (US 4,488,691) discloses a torso restraint system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

*MS*  
DEANNA DRAPER  
PATENT EXAMINER

dld

*Paul N. Dickson* 1/12/04  
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